

1 JOSEPH P. RUSSONIELLO (CABN 44332)
United States Attorney

2 BRIAN J. STRETCH (CABN 163973)
3 Chief, Criminal Division

4 STACEY GEIS (CABN 181444)
Assistant United States Attorneys

5 450 Golden Gate Avenue, Box 36055
6 San Francisco, California 94102
7 Telephone: (415) 436-7126
Facsimile: (415) 436-7234
8 E-Mail: Stacey.Geis@usdoj.gov

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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION
13

14 UNITED STATES OF AMERICA,)
15 Plaintiff,)
16 v.)
17 WASSIM AZIZI,)
18 Defendant.)
19 _____)

No. CR 06-548 MMC

STIPULATION AND ~~PROPOSED~~
ORDER TO CONTINUE TRIAL THREE
WEEKS

20 With the agreement of the parties, and the consent of the defendant, Wassim Azizi,
21 the parties hereby request the Court to continue the trial in this matter, currently
22 scheduled for April 14, 2008, to three weeks later, May 5, 2008.

23 1. When the Court first set the matter for trial in November, counsel for the
24 government informed your Honor of an upcoming trip to Australia and New Zealand for
25 most of the month of March, with a return date of March 28th. The trip had been planned
26 months earlier in 2007 and coincided with a sabbatical that counsel's husband had earned
27 at his employment.

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STIPULATION AND ORDER
TO CONTINUE TRIAL DATE
CR 06-548 MMC

1 2. At the time, the parties could not set the trial in May due to the
2 unavailability of defense counsel. Because government counsel specializes in the
3 prosecution of environmental crimes, she felt it was incumbent for her to try the case.
4 Thus, she agreed to an April date. Due to the Court's calendar at the time, which
5 included a trial in early May, the Court set the trial date for April 14, 2008 –only two
6 weeks after government counsel's return from New Zealand.

7 3. Defense counsel is now available to try the case in early May and does not
8 object to the proposed continuance.

9 4. Government counsel's caseload has increased significantly since early
10 November, including a matter that involves the detention of material witnesses from a
11 foreign country. Continuance of the trial date will not only allow government counsel
12 adequate time for trial preparation in this matter, but will also allow government counsel
13 to attend to this other matter in the interim.

14 5. Government counsel spoke with the Court's clerk, who stated that the trial
15 originally scheduled for early May in this Court had been vacated, and that the Court was
16 now available May 5 for trial in this matter, should the Court grant the continuance.

17 6. This request is the first request for a continuance by the parties.

18 7. The parties agree to an exclusion of time from April 14, 2008 to May 5,
19 2008 to allow for effective preparation and continuity of counsel, pursuant to Title 18
20 U.S.C. § 3161(h)(8)(B)(iv).

21 Accordingly, and with the consent of the defendant, the Court orders that 1) the
22 April 14, 2008 trial date is vacated, and trial is now set for Monday, May 5, 2008; 2) the
23 period from April 14, 2008 to May 5, 2008 is to be excluded from Speedy Trial Act
24 calculations under 18 U.S.C. § 3161(h)(8)(B)(iv); and 3) the pretrial schedule shall be as
25 follows:

26 a. Pretrial conference shall be scheduled for Tuesday, April 22, 2008.

27 b. The parties shall submit pretrial pleadings, including trial memoranda, jury
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1 instructions, verdict forms, voir dire questions, exhibit lists, and witness
2 lists by Tuesday, April 15, 2008.

3 c. Any motions in limine shall be filed by April 1, 2008, and any oppositions
4 to said motions shall be filed by April 8, 2008.

5 IT IS SO STIPULATED.

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7 DATED: February 8, 2008

/S/ Stacey P. Geis
STACEY P. GEIS
Assistant U.S. Attorney

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9 DATED: February 8, 2008

/S/ Julia M. Jayne
JULIA M. JAYNE
Counsel to Wassim Azizi

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11 IT IS SO ORDERED.

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13 DATED: February 11, 2008


THE HONORABLE MAXINE M. CHESNEY
United States District Judge